

Appendix C

Scoping Comments



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Pablo Bay – Marin Islands – Antioch Dunes
National Wildlife Refuges
7715 Lakeville Highway
Petaluma, CA 94954
707-769-4200
FAX 707-769-8106



Memorandum

To: Cullinan Ranch Restoration 2007 - NEPA

From: Christy Smith, Refuge Manager

Subject: Public Scoping Meeting

A public scoping meeting was held in 2002 to inform the public that the FWS was seeking input to complete an Environmental Assessment for a restoration project at the Cullinan Ranch Unit of San Pablo Bay NWR. The planning process continued longer than expected and the scope of the project initiated an Environmental Impact Statement/Environmental Impact Report (EIS/EIR). A second public scoping meeting was held on March 10, 2007 to inform the public of the planning process and receive any final comments or in put prior to the release of a draft EIS/EIR.

The meeting was conducted by Christy Smith, Refuge Manager; Winnie Chan, SFB Refuge Complex Planner and Steve Carroll, Ducks Unlimited Engineer who provided support. One person came to the meeting.

James Porterfield
16 Alta Loma Dr.
American Canyon, CA 94503

He viewed the presentation and had no comments to make. I presented him with a business card and asked him to contact me if he had further questions.



**Cullinan Ranch Tidal Marsh Restoration
Public Meeting, August, 2002
Comments and Questions**

The comments and questions listed below are organized by the table from which comments were taken. The comments and questions are presented as they were recorded at each station.

Public Access

- This area really needs more public access.
- There should be a place to launch boats and canoes.

Project Design Station

- Alternative "C" for Hwy 37 levee is more desirable for roosting and nesting bird habitat.
- What about incorporating islands (with cover) for birds (nesting terns, stilts, canvasbacks, shorebirds, snowy plovers).
- Concern about levee placement: possible future expansion of Hwy 37 is unwanted.
- Alternative "A": positive aspect is the possible viewing areas for birds and wildlife.
- In favor of the experimental design that includes bird islands.
- Put levee where maximum wetland restoration would occur.
- Sediments from Dutchman's Slough will probably result in marsh approximately 40 years rather than 20-25 years.

CALTRANS

- Widen Hwy 37!!!!
- Levee on north side of road? Not southern end.
- Tides from Dutchman's Slough may reach Hwy 37.

Biology

- Discuss benefits of tidal restoration on wildlife and plants other than birds and endangered species.
- Concern over levee stability, case in point is Tubbs Setback.
- What are the impacts (on wildlife) of converting from seasonal wetlands to tidal wetlands.
- Save any rare plants before flooding.
- Provide habitats for rare plants after flooding (if they exist).

Comment Sheets: Three comment sheets were submitted at the meeting

Robin Leong

Public access should be provided but: 1) it should be safe for the viewer and other cars traveling along Hwy 37, 2) it should be safe for the wildlife, 3) how this can be accomplished is tough. This area is one of the best places to see certain Solano County bird species (for County listers). If they can have public access that would be great. One way may be to install public boat ramps for canoeing and kayaking.

Robin Leong

For the restoration of Cullinan, it was originally ear-marked for clapper rail and canvasback. I think the restoration should be for the greatest diversity of species and the clapper rail will be saved. Because

Cullinan has subsided so much, I think islands for nesting and uplands for shorebirds are needed. These islands should have various habitats: sandy with no cover for snowy plover, avocets, Caspian and Forster's terns nesting (see Knight Island) and some with cover.

Norm Yenni

Bite the bullet and breach the highway to get Cullinan full of sediment and then push sediment into the salt ponds that are going to be restored. Where is the O&M money coming from for this project? Does this mean that there will be less money for problems still existing at Tolay Creek?

Public Attendants

Name	Affiliation	Address	Put On Mailing List
Robin Leong	local resident	336 Benson Avenue, Vallejo, CA 94590	Yes
Norm Yenni	farmer, NBAA	5400 Sears Point Road, Sonoma, CA 95476	Yes
Tito Sasaki	NBAA	P.O. Box 200, Vineburg, CA 95487	Yes
Jim Millholland	local resident	6 Pearl Court, Vallejo, CA 94591	Yes

Persons assisting with the meeting (please excuse me if I have not included all of those who helped)

USFWS employees/interns: Marge Kolar, Mike Parker, Clyde Morris, Chris Bandy, Joelle Buffa, Jim Griffin, Giselle Downard, Devon Houck, Rina Aviram

USFWS volunteers: Jim Millholland, Tish Adams, Becky Bandy

USGS: Isa Woo, Scott Demers

Ducks Unlimited: Ryan Broddrick, Steve Carroll, Chris Nappo, Patricia Berryhill, Mike Bias

CALTRANS: Chuck Morton



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Memorandum

To: NOI File – Draft Cullinan Ranch Restoration EIS/R

From: Christy Smith *CS*

Subject: Comments received on NOI

The USFWS San Pablo Bay NWR issued a Notice of Intent (NOI) to prepare an Environmental Assessment in 2002. During the process of planning, it was determined that the project would require an Environmental Impact Statement (EIS) and changed the format accordingly. However, in an oversight, the Service did not re-issue a notice of intent to prepare an EIS until they were preparing to publish a Notice of Availability (NOA). The Service was required to publish a second NOI to prepare the Draft EIS/R for the Cullinan Ranch Restoration on September 6, 2007. Two comments were received for that NOI and are contained in this Supplement. These issues are addressed below.

In Summary:

9/6/07 – Thomas Yocom (Former EPA National Wetlands Expert retired) – this comment focused on the conversion of seasonal wetlands to tidal marsh habitat. FWS has required other entities to mitigate these wetland losses on other projects (see attached).

Response: Cullinan Ranch was acquired under the authority of the Endangered Species Act. In 1993 all pumping on the site was ceased because the local farmer was no longer interested in maintaining the property in hay. The FWS decided to allow the site to naturally revegetate and turn into seasonal wetlands during the period of time that it would take to resolve easement issues, funding, permit and planning. It was determined (File Memo May 12, 1998) that during the interim period that it was not appropriate to continue to farm the site and that the wildlife values achieved during this interim period would ameliorate any impacts from the conversion of the site from a hay field to tidal



marsh. Although there is a change in the vegetative community from the current seasonal wetland to a tidal marsh which will result in some changes in wildlife uses there will be an increase value to listed species. Again, this decision was made because temporary seasonal wetland would provide interim beneficial wetland values that hay fields would not. The knowledge learned from the development of seasonal wetlands would be valuable in the eventual establishment of seasonal wetlands on Skaggs Island and/or other properties acquired by the San Pablo Bay NWR.

9/11/07 – Department of Transportation Caltrans – this comment requires that we use their standards for determining traffic impacts and those we applied for an encroachment permit. Caltrans expressed concern about potential impacts to the State Highway System during the construction phase of the project (see attachment).

Response: The project team is currently reviewing these concerns to address them appropriately. Findings will determine if a detailed Traffic Impact Study is warranted for this project. The project team will consult with Caltrans.

DEPARTMENT OF TRANSPORTATION

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P. O. BOX 23660
OAKLAND, CA 94623-0660
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TTY 711

Fish & Game

SEP 17 2007

Yountville



*Flex your power!
Be energy efficient!*

September 11, 2007

BAG005
SOL/NAP - 37
SCH # 2007092004

Larry Wyckoff
California Department of Fish and Games
Central Coast Region
P.O. Box 47
Yountville, CA 94599

Dear Mr. Wyckoff:

Cullinan Ranch Restoration Project – Notice of Preparation (NOP)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Cullinan Ranch Restoration Project. We reviewed the Notice of Preparation (NOP) and have the following comments:

Traffic Analysis

The Department is primarily concerned with impacts to the State Highway System, in particular to Highway 37, during the construction. Please ensure that the environmental analysis evaluates the traffic impacts on Highway 37 by applying the following criteria to determine if a TIS is warranted:

1. The project will generate over 100 peak hour trips assigned to a State highway facility.
2. The project will generate between 50 to 100 peak hour trips assigned to a State highway facility, and the affected highway facilities are experiencing noticeable delay; approaching unstable traffic flow (level of service (LOS) "C" or "D") conditions.
3. The project will generate between 1 to 49 peak hour trips assigned to a State highway facility, and the affected highway facilities are experiencing significant delay; unstable or forced traffic flow (LOS "E" or "F") conditions.

We recommend using the Department's Guide for the Preparation of Traffic Impact Studies for determining which scenarios and methodologies to use in the analysis. It is available at the following website address:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

Mr. Larry Wyckoff
September 11, 2007
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Encroachment Permit

In addition, please be advised that any work or traffic control that encroaches on State right of way (ROW) requires an encroachment permit issued by the Department. For further information, please visit the following website:

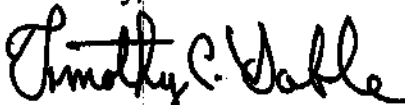
<http://www.dot.ca.gov/hq/traffops/developserv//permits/>.

To apply, a completed encroachment permit application, an approved environmental document, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address:

Julie Hsu
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Should you require further information or have any questions regarding this letter, please call or email Yatman Kwan of my staff at (510) 622-1670 or yatman_kwan@dot.ca.gov.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse



Thomas Yocom

To christy_smith@fws.gov

cc

09/06/2007 11:26 AM

bcc

Subject Restoration of tidal action to Cullinan Ranch

Dear Ms. Smith:

I read with interest the plans of the U.S. Fish and Wildlife Service to restore tidal action to the Cullinan Ranch site near Vallejo. I represented the National Marine Fisheries Service in opposing a large-scale housing development on this site in the early 1980's, and later represented EPA in making recommendations to then refuge manager Rick Coleman for its restoration after the site was purchased by the Service.

I am aware of the significant wildlife habitat that has developed on the site since hay farming and associated pumping ceased -- particularly the seasonal fresh and brackish water habitat that is present during the winter and spring months. This particular habitat will be lost when tidal action is restored.

When the dredged material re-use/tidal restoration project at Sonoma Baylands was proposed, the Ecological Services office of the Fish and Wildlife Service strongly opposed it, until compensatory mitigation was incorporated to fully offset the loss of the seasonal wetland habitat that existed on the site. I do not remember the mitigation ration that was required, but I assume it was at least 2:1.

Similarly, when the Viansa Winery proposed restoration of freshwater wetlands, the Service required that Viansa offset the loss of a small area of seasonal wetlands, even though the net habitat gain was extraordinary, and was being done entirely on a voluntary basis by Viansa in cooperation with Ducks Unlimited. Viansa was required to excavate upland areas as compensatory mitigation. Many of us thought that this mitigation requirement was silly, but the Service, nonetheless, held firm and Viansa complied.

The Cullinan Ranch tidal restoration proposal poses a similar trading of habitats on an almost unprecedented scale, and the habitat value of the existing seasonal wetlands at Cullinan Ranch dwarfs that of the scattered depressionnal wetlands that existed at the Sonoma Baylands and Viansa sites.

How does the Fish and Wildlife Service propose to offset the loss of hundreds of acres of diked seasonal wetland habitat when it converts these areas to tidal salt marsh habitat, and what ratio does it propose? To simply trade off these areas would seem to me to be using an arbitrary double standard, given the Service's past record with proposals by others.

No one is likely to argue that tidal restoration of the diked baylands in North Bay is undesirable environmentally. In fact, it is an area with the greatest opportunity for tidal salt marsh restoration

in California. White Slough and "Carl's" Marsh are examples of how quickly tidal salt marsh can be restored when hydrologic conditions and sediment budgets are ideal. Compare this to the Service's complicated and extraordinarily expensive restoration at Bolsa Chica, and one has to conclude that the opportunity at Cullinan Ranch must be seized.

Nevertheless, the habitat that has developed and flourished at Cullinan Ranch over the past two decades is hardly trivial, and the Service should apply a similar standard to its own actions as that which it has wielded over other public and private entities whose actions would have replaced one valued habitat type with another.

Thank you.

Tom Yocom

Thomas G. Yocom
Former EPA National Wetlands Expert (retired)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Pablo Bay National Wildlife Refuge
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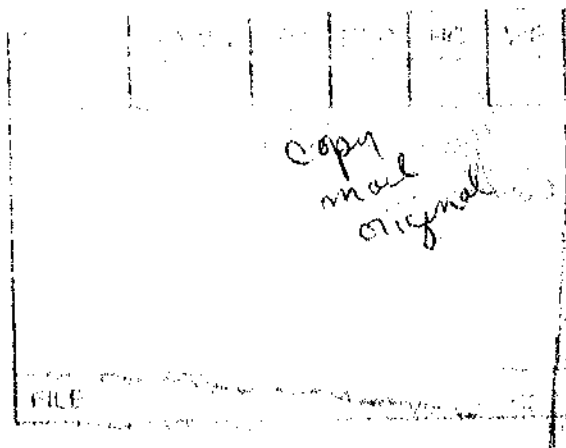
May 12, 1998

Memorandum

To : Karen Miller, Ecological Services
Sacramento, California

From: *Betsy Radtke*
Betsy Radtke, San Pablo Bay NWR
Mare Island, California

Subject: Converting wetlands at Cullinan



On May 3, 1994, Fran Maiss, Jean Takekawa and I attended a meeting at the Sacramento Field Office. In attendance were you, Darren Fong, Pete Sorenson, Cay Goude, Mike Aceituno, Ruth Pratt and several other people. The topic of the meeting was converting seasonal wetlands to tidal wetlands as it related to the Cullinan Ranch Restoration Project. Because the Service filed a jeopardy opinion against the proposed development project for loss of potential future endangered species habitat, the property was acquired under authority of the Endangered Species Act. With this in mind, the Refuge has spent the last seven years removing easements, obtaining funding and developing a restoration plan that would return the entire area to tidal marsh. We also allowed the area to naturally revegetate to seasonal wetlands. We are now ready to obtain permits with the hope of restoring the site to tidal wetlands by December 1999 and need to formalize the prior understanding.

I am requesting your concurrence that the following summarizes the content and results of the meeting:

When we acquired Cullinan Ranch in 1991, the Kiser Brothers were lease oat-hay farmers. We allowed them to continue farming under Refuge ownership through a Special Use Permit. They notified us that they would not be interested in farming after the 1992 farming season, but would like to continue pumping the property through the winter of 92-93 in order to keep their harvested hay dry until it was sold.

We attended the meeting with one main question: Do we need to find a new lease farmer, or can we turn the pumps off, allow the area to naturally revegetate and let it turn to seasonal wetlands in the time that it takes us to resolve easements and secure the funding and permits needed to restore it to tidal? Our concern was that we would be required to mitigate for the loss of 1500 acres of seasonal wetlands when the tidal marsh restoration occurred.

We were assured that we would be allowed to restore the site without a mitigation requirement by explaining that in the interim, temporary seasonal wetlands would provide beneficial wetland values. And, the knowledge learned from the development of seasonal wetlands would be valuable in the eventual establishment of seasonal wetlands at Skaggs Island and/or other properties. Both of these factors would compensate for the conversion to tidal wetlands. With this assurance, the Refuge allowed the property to return to seasonal marsh vegetation.

Attached are handouts provided by Darren Fong at the meeting.

<u>Young Miller</u>	<u>5-18-78</u>
Concurrence	Date

